



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,618	11/21/2003	Jone Chang	2450-0592P	8201

2292 7590 11/10/2004

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

COLE, LAURA C

ART UNIT	PAPER NUMBER
----------	--------------

1744

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,618

Applicant(s)

CHANG, JONE

Examiner

Laura C Cole

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 1 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1 and 4 are objected to because of the following informalities:

Claim 1 is improper since it is two sentences in length. Each claim must begin with a capital letter and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations. See MPEP 608.01(m).

Claim 1 recites the limitation "the exterior" in Line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 Line 3, it is unclear as to what is meant by "*washed* unwoven cloth."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Stewart, USPN 1,820,256.

Stewart discloses the claimed invention including a cleaning object (10), a fixing object (14), upper and lower contacting members (11, 12), wherein the fixing object encompasses a portion of the exterior of the cleaning object (see Figures 1-2), the upper and lower contacting member mutually engage and compress the cleaning object

Art Unit: 1744

to define an accommodating space (Page 1 Lines 43-55). The cleaning object is an elastically compressible sponge (Page 1 Lines 43-46).

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Giallourakis, USPN 5,361,445.

Giallourakis discloses the claimed invention including a cleaning object (36), a fixing object (38), upper and lower contacting members (12, 62), wherein the fixing object encompasses a portion of the exterior of the cleaning object (see Figure 1), the upper and lower contacting member mutually engage and compress the cleaning object to define an accommodating space (30; Column 2 Lines 49-59). The cleaning object is an elastically compressible sponge (40; Column 3 Lines 1-3). One of the contacting members (62) is of an unwoven cloth (Column 2 Lines 35-38).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart, USPN 1,820,256 in view of Billesbach et al., USPN 3,377,121.

Stewart discloses all elements above, however does not disclose that the fixing object is a rope.

Billesbach et al. disclose a pouch assembly for cleaning wherein there is a fixing object (22) that acts as a handle for hanging or holding onto the device (Column 3 Lines 3-7). The fixing object (22) is a rope (Column 4 Lines 5-10; a "rope" is defined as "A flexible heavy cord of tightly intertwined hemp or other fiber" according to "*The American Heritage® Dictionary of the English Language, Fourth Edition Copyright © 2000 by Houghton Mifflin Company.*")

It would have been obvious for one of ordinary skill in the art to substitute the fixing object of Stewart for one that comprises a rope, such as Billesbach et al. teach, so that the device can be made of a suitable material for use in cleaning conditions and of appropriate length to use as a handle.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giallourakis, USPN 5,361,445 in view of Billesbach et al., USPN 3,377,121.

Giallourakis discloses all elements above, however does not disclose that the fixing object is a rope.

Billesbach et al. disclose a pouch assembly for cleaning wherein there is a fixing object (22) that acts as a handle for hanging or holding onto the device (Column 3 Lines 3-7). The fixing object (22) is a rope (Column 4 Lines 5-10; a "rope" is defined as "A

Art Unit: 1744

flexible heavy cord of tightly intertwined hemp or other fiber" according to "*The American Heritage® Dictionary of the English Language, Fourth Edition Copyright © 2000 by Houghton Mifflin Company.*")

It would have been obvious for one of ordinary skill in the art to substitute the fixing object of Giallourakis for one that comprises a rope, such as Billesbach et al. teach, so that the device can be made of a suitable material for use in cleaning conditions and of appropriate length to use as a handle.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart, USPN 1,820,256 in view of Donney, USPN 2,958,885.

Stewart discloses all elements above, however does not disclose that the upper and lower contacting members are made of unwoven cloth.

Donney discloses a scrubbing device that has a cleaning object (10) and upper and lower contacting members (20) that is of an unwoven cloth (Column 3 Lines 33-40) so that the cleaning portions may be non-absorbent and does not harbor dangerous contamination.

It would have been obvious for one of ordinary skill in the art to substitute the material of the lower and upper contacting members of Stewart for a material that is unwoven cloth, such as Donney teaches, so that the device can be of an abrasive nature and not harbor bacteria or contaminants.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giallourakis, 5,361,445 in view of Donney, USPN 2,958,885.

Giallourakis discloses all elements above, however does not disclose that the upper and lower contacting members are made of unwoven cloth.

Donney discloses a scrubbing device that has a cleaning object (10) and upper and lower contacting members (20) that is of an unwoven cloth (Column 3 Lines 33-40) so that the cleaning portions may be non-absorbent and does not harbor dangerous contamination.

It would have been obvious for one of ordinary skill in the art to substitute the material of the lower and upper contacting members of Giallourakis for a material that is unwoven cloth, such as Donney teaches, so that the device can be of an abrasive nature and not harbor bacteria or contaminants.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C Cole whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LCC

LCC

01 November 2004


Jill Warden
Supervisory Patent Examiner
Technology Center 1700